

it was fabricated from two or more ingredients and its label did not bear the common or usual name of each ingredient prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

On April 30, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$250.

**4702. Adulteration and misbranding of coffee. U. S. v. 37 Bags of an article labeled in part "New Aroma Blend Coffee." Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 8973. Sample No. 18683-F.)**

On or about December 9, 1942, the United States attorney for the District of Connecticut filed a libel against 37 1-pound bags of coffee at Bridgeport, Conn., alleging that the article had been shipped in interstate commerce on or about November 10, 1942, by the Aroma Coffee Co., Inc., from Newark, N. J.; and charging that it was adulterated and misbranded. The article was invoiced as coffee and was labeled in part: (Bag) "New Aroma Blend Coffee 100% Pure." An almost illegible statement reading "75% Coffee 25% Chick Peas" had been stamped over the words "100% Pure."

The article was alleged to be adulterated in that a substance, ground roasted coffee containing a large proportion of ground roasted chick peas, had been substituted in whole or in part for coffee, which it was represented to be.

It was alleged to be misbranded (1) in that the statement, "Coffee 100% Pure," was false and misleading as applied to a mixture of ground roasted coffee containing a large proportion of ground roasted chick peas, and this statement was not corrected by the inconspicuous statement, "75% Coffee 25% Chick Peas"; (2) in that it was offered for sale under the name of another food, coffee; and (3) in that the common or usual name of each ingredient, required by the act to appear on the label, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

On March 9, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

**4703. Adulteration of coffee. U. S. v. 251 Bags, 175 Bags, and 92 Bags of Coffee. Unfit portion condemned and ordered destroyed. (F. D. C. Nos. 7892 to 7894, incl. Sample Nos. 88029-E, 88030-E, 88043-E.)**

This product was worm-damaged.

On July 14, 1942, the United States attorney for the District of Montana filed libels against a total of 518 132-pound bags of a green coffee at Billings, Mont., alleging that the article had been shipped in interstate commerce on or about May 9, 1942, by Leon Israel & Bros., Inc., from New Orleans, La.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On May 21, 1943, Sawyer Stores, Inc., the Keil Co., and C. E. Newman, trading as the Newman Coffee Co., having appeared as claimants for the respective lots, the product having been reconditioned by separating the portion unfit for human consumption from the good portion, and the claimants having consented to the entry of a decree, judgment was entered condemning the rejected portion and ordering it destroyed.

**4704. Misbranding of CoVee (coffee substitute). U. S. v. 27 Packages of CoVee Coffee Substitute. Default decree of condemnation and destruction. (F. D. C. No. 9449. Sample No. 31935-F.)**

This product consisted of roasted ground soybeans and ground barley. No chicory tissues were detected.

On March 5, 1943, the United States attorney for the Southern District of Indiana filed a libel against 27 packages of coffee substitute at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about January 19, 1943, by the Royale Popcorn Co., Inc., from Cleveland, Ohio; and charging that it was misbranded. The article was labeled in part: (Packages) "Victory Drink CoVee Coffee Substitute \* \* \* Distributed by J. B. Robinson, Cleveland, Ohio."

The article was alleged to be misbranded in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient since the word "Cereals," borne on the label, is not a

common or usual name for barley. The article was alleged to be misbranded further in that the statement "Made From Fresh Roasted Soy Beans, Cereals and Chicory," borne on the label, was false and misleading as applied to an article which contained no chicory.

On April 22, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4705. Adulteration of Kevo and Milk Kevo. U. S. v. 31 Cans of Milk-Kevo (and 1 additional seizure action against Milk-Kevo and Kevo). Default decrees of condemnation and destruction. (F. D. C. Nos. 7963, 8027. Sample Nos. 12111-F, 12121-F, 12122-F.)**

These products contained filth such as insects, insect fragments, larvae, and rodent-like hairs.

On July 22 and August 6, 1942, the United States attorney for the Western District of Washington filed libels against 31 15-ounce cans, 10 dozen 7-ounce cans, and 5 5-pound cans of Milk-Kevo, and 27 7-ounce cans, and 16 15-ounce cans of Kevo, at Seattle, Wash., alleging that the articles had been shipped in interstate commerce within the period from on or about July 5, 1941, to March 18, 1942, by the W-H-Y and Kevo Products, Inc., from Los Angeles and Azusa, Calif.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances.

On April 27 and June 29, 1943, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

## CEREAL AND CEREAL PRODUCTS

### FLOUR

Nos. 4706 to 4717 report the seizure and disposition of flour that was insect- or rodent-infested, or both. Nos. 4706 to 4709 were alleged to have become infested while held under insanitary storage conditions after shipment.

**4706. Adulteration of flour. U. S. v. 40 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 9260. Sample Nos. 10798-F, 10799-F, 10941-F.)**

This product had been stored after shipment in an old building infested with rodents. Some of the bags had been chewed by rodents and contained urine stains. Samples of the flour were found to contain rodent pellets and rodent-type hairs.

On February 1, 1943, the United States attorney for the Northern District of California filed a libel against 40 98-pound bags of flour at Oakland, Calif., in the possession of Peter Lefevre & Co., alleging that the article had been shipped in interstate commerce within the period from on or about July 7 to October 10, 1942, from Tacoma, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Centennial 100% Whole Wheat [or "Pandora"] Flour."

On March 27, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4707. Adulteration of flour. U. S. v. 12 Bales of Flour. Consent decree of condemnation. Product ordered released under bond to be disposed of in compliance with the law. (F. D. C. No. 8943. Sample No. 12432-F.)**

On December 2, 1942, the United States attorney for the Western District of Washington filed a libel against 12 bales, each containing 10 10-pound sacks, of flour at Seattle, Wash., in the possession of Schwabacher Bros. & Co., alleging that the article had been shipped in interstate commerce on or about June 15, 1942, from Billings, Mont.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: (Sacks) "Enriched Family Flour Occident Flour."

On April 14, 1943, Schwabacher Bros. & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. All contaminated bags were sorted out and the contents destroyed.